

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>HASSAN A. TUCKER,</b>	:	<b>CIVIL ACTION NO. 1:22-CV-631</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JOHN E. WETZEL, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 19th day of January, 2023, upon consideration of defendants' motion (Doc. 17) to dismiss, and the parties' respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 17) to dismiss is GRANTED in part and DENIED in part.
2. The motion is DENIED with respect to plaintiff's cruel and unusual punishment claim, due process claim, and right to marry claim against defendants Wetzel and Little.
3. The motion is also denied to the extent it seeks to dismiss plaintiff's claims for declaratory and injunctive relief.
4. The motion is granted in all other respects.
5. Plaintiff may file an amended complaint on or before **February 19, 2023** to cure the deficiencies identified in the court's memorandum opinion. Any amended complaint filed pursuant to this order shall be filed to the same docket number as the instant action, shall be entitled "Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure.

6. If plaintiff does not file an amended complaint by the above date, plaintiff's claims against defendants Fisher, Reese, Vance, and Pelosi will be dismissed without further leave to amend, the case will proceed as to plaintiff's cruel and unusual punishment, due process, and right to marry claims against Wetzel and Little and his excessive force claim against defendant Kimberly, and defendants Wetzel, Little, and Kimberly will be required to answer plaintiff's complaint in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania